

March 2, 1998

Col. Leo W. Haseman
Director, Division of Enforcement
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4047

RE: In the Matter of the Trespass Citation Issued to Rollo Milton Winegarner;
OAH Docket No. 6-2000-11524-2

Dear Colonel Haseman:

During the course of a prehearing conference telephone call on February 24, 1998, Conservation Officer Jeff Halverson agreed to withdraw this citation.

Under the circumstances, I see no need to give you a detailed recitation of the facts, but I will say that it turns out that neither Mr. Halverson nor the landowner actually witnessed the alleged trespass here, and Mr. Winegarner claims, credibly, that none took place. Mr. Winegarner was willing to have one of his sons, who was also present at the time, testify under oath as to what happened, which Mr. Winegarner indicated would substantiate his version of the facts. I told Officer Halverson that unless he chose to withdraw the citation at this time, we would go ahead and hold a hearing with sworn testimony from all persons, but if the facts turned out to be as they appeared at this time, I would have no choice but to dismiss the citation. Officer Halverson decided to withdraw it rather than to go through with the hearing.

I am, therefore, closing our file in this matter and returning the record to you.

Sincerely,

ALLAN W. KLEIN
Administrative Law Judge
Telephone: 612/341-7609

AWK/lr
Enclosures
cc: Rollo Winegarner
Conservation Officer Jeff Halverson